

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DEBRA L. LAINE,

Plaintiff,

v.

WELLS FARGO BANK, N.A.,

Defendant.

No. C 13-4109 SI

**ORDER DENYING DEFENDANT'S
MOTION TO DISMISS THE SECOND
AMENDED COMPLAINT**

On May 9, 2014, the Court held a hearing on defendant's motion to dismiss the second amended complaint. The Court finds that plaintiff, who is acting *pro se*, has cured the deficiencies identified in the Court's previous orders and that the second amended complaint states a claim. Further, many of defendant's arguments raise factual questions that cannot be resolved on the pleadings.

The Court also concludes that plaintiff's claims are not barred by judicial estoppel because she disclosed this lawsuit in the bankruptcy proceedings in the initial petition, and she has since amended the bankruptcy filings to provide additional information about this lawsuit. The cases cited by defendant are distinguishable because those cases involved litigants who had taken directly contrary positions by failing to disclose non-bankruptcy litigation to the bankruptcy court prior to the bankruptcy becoming final. This order resolves Docket No. 56.

IT IS SO ORDERED.

Dated: May 12, 2014



SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE